



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 16.

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**OCT 07 2003**

In re Application of :  
Cohen et al. :  
Application No. 09/670,250 :  
Filed: September 26, 2000 :  
Attorney Docket No. YOR920000440US1(590.024) :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(a), filed September 25, 2003, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application was deemed abandoned for failure to reply in a timely manner to the non-final Office action mailed December 18, 2002, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on July 25, 2003.

Petitioner has provided a showing under 37 CFR 1.8(b) proving that an amendment and request for an extension of time were timely mailed on June 18, 2003, in compliance with 37 CFR 1.8. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 C.F.R. § 1.181, the petitioner's request to have the petition considered under 37 C.F.R. §1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 C.F.R. §1.181. Therefore, a petition fee has not been charged to petitioner's deposit account. The fee of \$930 for the three month extension of time has been charged to the deposit account.

The file is being forwarded to Technology Center 2800.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

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Office of Petitions